

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 15-cr-20146  
Hon. Matthew F. Leitman

v.

OCTAVEOUS MELVIN GORDON,

Defendant.

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**ORDER DENYING DEFENDANT'S MOTION**  
**FOR COMPASSIONATE RELEASE (ECF No. 38)**

Defendant Octaveous Melvin Gordon is a federal prisoner incarcerated at FCI Greenville in Greenville, Illinois. On June 9, 2021, Gordon filed a motion for compassionate release from custody pursuant to 18 U.S.C. § 3582(c)(1)(A). (*See* Mot., ECF No. 38) In his motion, Gordon seeks release based on his concerns about the COVID-19 pandemic and his underlying health conditions. (*See id.*)

On November 8, 2021, the Court directed Gordon to supplement his motion by answering certain questions regarding his COVID-19 vaccination status. (*See* Order, ECF No. 39.) Gordon responded to the Court's questions on November 26, 2021. (*See* Resp., ECF No. 40.) Gordon informed the Court that he received both doses of the Moderna COVID-19 vaccine in January 2021. (*See id.*, PageID.709.)

Because Gordon has been fully vaccinated, the Court concludes that the risk of contracting COVID-19 while in custody does not constitute an extraordinary and compelling reason justifying his release. The United States Court of Appeals for the Sixth Circuit has repeatedly held in recent cases that “when [a prisoner] has access to the COVID-19 vaccine,” the prisoner’s potential exposure to the virus while in custody “does not present an extraordinary and compelling reason warranting” release. *United States v. Lemons*, 15 F.4th 747, 751 (6th Cir. 2021). *See also United States v. Traylor*, --- F.4th ---, 2021 WL 5045703, at \*1 (6th Cir. Nov. 1, 2021) (holding district court did not abuse its discretion when it denied a motion for compassionate release based on prisoner’s underlying health conditions where defendant had been fully vaccinated against COVID-19). The Court is therefore not persuaded that Gordon is entitled to compassionate release at this time.

For all of the reasons stated above, **IT IS HEREBY ORDERED** that Gordon’s motion for compassionate release (ECF No. 38) is **DENIED**.

s/Matthew F. Leitman  
MATTHEW F. LEITMAN  
UNITED STATES DISTRICT JUDGE

Dated: December 8, 2021

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on December 8, 2021, by electronic means and/or ordinary mail.

s/Holly A. Monda  
Case Manager  
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